

Exhibit 1

(Affidavit of Albert D. Hoffman)

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

**Road-Con, Inc.; Neshaminy
Constructors, Inc.; Loftus Construction,
Inc.; PKF-Mark III, Inc.; and Scott A.
LaCava,**

Plaintiffs,

Case No. 2:19-cv-01667-JS

v.

City of Philadelphia; and James Kenney,
in his official capacity as mayor of the City
of Philadelphia,

Defendants.

AFFIDAVIT OF ALBERT D. HOFFMAN

I, Albert D. Hoffman, being duly sworn, state as follows:

1. My name is Albert D. Hoffman. I am over 21 years old and fully competent to make this affidavit. I submit this affidavit in support of the plaintiffs' motion for summary judgment and permanent injunction.
2. I have personal knowledge of the matters contained in this affidavit, and all of the facts stated in this affidavit are true and correct.
3. I am the President of Road-Con, Inc. ("Road-Con").
4. Road-Con's principal place of business is located at 902 Camaro Run Drive, West Chester, Pennsylvania 19380.
5. Road-Con is a prequalified PennDOT contractor that regularly works on PennDOT projects with employees who are members of the United Steelworkers.
6. Road-Con has completed many projects for state and federal agencies, including PennDOT and SEPTA, which include projects owned by those agencies located within the city of Philadelphia.

7. Road-Con is a member of the Pennsylvania Heavy and Highway Contractors Bargaining Association (the "Association").

8. A copy of the collective bargaining agreement between the Association and the United Steelworkers is attached as Exhibit "A" to the Plaintiffs' Requests for Admission.

9. The collective-bargaining agreement between the Association and the United Steelworkers governs the terms and conditions of employment at Road-Con.

10. The employees of Road-Con have chosen the United Steelworkers to be their bargaining representative.

11. Scott A. LaCava is an employee of Road-Con and a member of the United Steelworkers.

12. In March of 2019, the city of Philadelphia issued a solicitation of bids for the 15th Street Bridge Project.

13. Road-Con was interested in submitting a bid for the 15th Street Bridge Project when this lawsuit was filed on April 18, 2020, and Road-Con submitted a bid for that project.

14. Road Con is qualified to perform the work on the 15th Street Bridge Project, and Road-Con was recommended for qualification to bid on the 15th Street Bridge Project.

15. Road Con has been pre-qualified by PennDOT to perform the type of work necessary to complete the 15th Street Bridge Project.

16. Because Road-Con maintains a collective bargaining agreement with the United Steelworkers, it cannot perform work on the 15th Street Bridge Project with its current workforce.

17. In March of 2019, the city of Philadelphia solicited bids for the Runway Project.

18. Road-Con was interested in submitting a bid for the Runway Project when this lawsuit was filed on April 18, 2020, and Road-Con submitted a bid for that project.

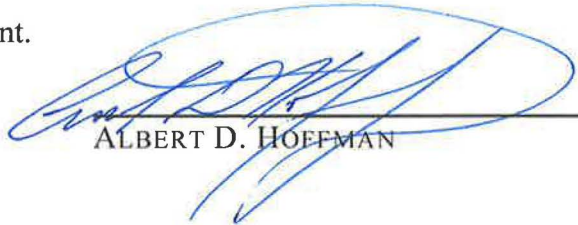
19. Road-Con is qualified to perform the work on the Runway Project.

20. Road-Con was recommended for qualification to bid on the Runway Project.

21. Because Road-Con maintains a collective-bargaining agreement with the United Steelworkers, it could not perform work on the Runway Project with its current workforce when this lawsuit was filed.

22. Because Road-Con maintains a collective-bargaining agreement with the United Steelworkers, it cannot perform work on any city of Philadelphia public-works subject to a project labor agreement with its current workforce.

This concludes my sworn statement.


ALBERT D. HOFFMAN

Subscribed and sworn to me
this 14th day of July, 2020


NOTARY

